FILED

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JAN - 8 2015

Clerk, U.S. District and Bankruptcy Courts

DAVID L. SMITH,)	
Plaintiff,)	
v.)	Civil Action No. 15-2123
UNITED STATES OF AMERICA, et al.,)	
Defendants.)	
)	

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The Court will grant the application and dismiss the complaint.

Plaintiff purports to bring a civil rights action under 42 U.S.C. § 1983 against the United States of America, a federal judge, the State of North Carolina, a former Governor of the State of North Carolina, and Lexis Publishing, *see* Compl. at 2-3, for the defendants' alleged conspiracy to "have unlawfully assembled (4) criminal statutes into the N.C. habitual felon statute," *id.* at 3, which apparently is the statute under which plaintiff has been convicted and sentenced, *see id.* at 3-4. In addition to punitive damages, plaintiff demands the repeal of the offending statute. *Id.* at 4.

"[T]he two essential elements of civil conspiracy are (1) 'an agreement to take part in an unlawful action or a lawful action in an unlawful manner'; and (2) 'an overt tortious act in furtherance of the agreement that causes injury." *Hall v. Clinton*, 285 F.3d 74, 82-83 (D.C. Cir. 2002) (quoting *Halberstam v. Welch*, 705 F.2d 472, 479 (D.C. Cir. 1983)). Where, as here, the

complaint "contain[s] only conclusory, vague, or general allegations of a conspiracy to deprive a person of constitutional rights," *Ostrer v. Aronwald*, 567 F.2d 551, 553 (2d Cir. 1977) (citations and internal question marks omitted), the complaint must be dismissed, *see*, *e.g.*, *Bush v. Butler*, 521 F. Supp. 2d 63, 68-69 (D.D.C. 2007) (dismissing conspiracy claim where "Plaintiff merely concludes that there was an agreement among the defendants to deprive him" of a constitutional right without any "description of the persons involved in the agreement, the nature of the agreement, what particular acts were taken to form the conspiracy, or what overt acts were taken in furtherance of the conspiracy").

An Order accompanies this Memorandum Opinion.

DATE: //7/20/6

United States District Judge